



THE ATTORNEY GENERAL
OF TEXAS

GERALD C. MANN
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ATTORNEY GENERAL

AUSTIN 11, TEXAS

Hon. Charles W. Castner, M.D.
Chief of Eleemosynary Division
State Board of Control
Austin, Texas

Dear Sir:

Opinion No. O-1411

Re: Traveling expenses of superintendents of eleemosynary institutions.

By your letter of September 8, 1939, you ask the opinion of this department upon the following question.

"Whether State mental hospital superintendents may attend the American Hospital Association meeting, its conferences and demonstrations, the American Psychiatric Association meeting, its conferences and clinics, or the Texas Neurological Society meeting, at State expense, when such trips are authorized by the State Board of Control?"

The rider to the Eleemosynary Appropriation Bill reads in part as follows:

"Traveling expenses. None of these appropriations may be used for traveling outside of the State of Texas without the advance written consent of the State Board of Control, except in adjoining States in deporting non-resident inmates and return escaped inmates to institutions. Otherwise, the State Comptroller shall apply the same rules to the approval and payment of traveling expenses of all employees except the superintendents of the eleemosynary institutions as he applies to such expenses of the State Departments. Superintendents' trips shall be as authorized by the Board of Control."

The rider to the Departmental Appropriation Bill provides in part as follows:

"No moneys herein appropriated shall ever be spent to pay the traveling expenses of any State employee to any type of convention within the State or without the State."

"Except as otherwise specifically exempted, the provisions of this Act shall also apply to department heads and members of commissions."

Your attention is directed to the fact that the rider to the Eleemosynary Appropriation Bill specifically excepts the superintendents of the eleemosynary institutions from the provision that the State Comptroller shall apply the same rules to the approval and payment of traveling expenses of all employees of eleemosynary institutions as he applies to such expenses of the State Departments. Therefore, although the meetings referred to in your inquiry are, in their nature, "conventions," nevertheless, by virtue of this specific exemption, superintendents of eleemosynary institutions may, if and when such trips are permitted by the State Board of Control, attend such conferences or conventions as may relate to the administration of the particular eleemosynary institution over which the superintendent has charge.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By R.W. Fairchild
R.W. Fairchild
Assistant

RWF:pbp

APPROVED SEP 14, 1939
s/ Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

APPROVED OPINION COMMITTEE BY s/EWC Chairman.